

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

CLAUDE MILLS,

Plaintiff,

v.

CIVIL ACTION NO. 2:19-cv-00727

WEXFORD HEALTH SERVICES., et al.,

Defendants.

**ORDER**

Before the Court are Defendants Sandra May, Joshua Shrewsbury, and Wexford Health Sources, Inc.'s Motion to Dismiss, (ECF No. 20), and Defendant Charles Lye's Motion to Dismiss, (ECF No. 28). By standing order entered on January 4, 2016, and filed in this case on October 7, 2019, (ECF No. 5), this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition ("PF&R"). Magistrate Judge Tinsley entered his PF&R on May 5, 2021, recommending this Court deny both motions to dismiss without prejudice because Plaintiff Claude Mills was recently granted leave to amend his Complaint. (ECF No. 32.)

This Court is not required to review, *de novo* or under any other standard, factual or legal conclusions contained within the PF&R to which no objections were addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and Plaintiff's right to appeal this Court's order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In

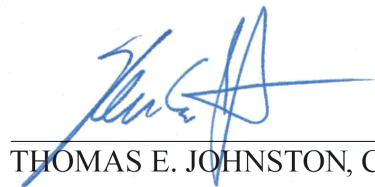
addition, this Court need not conduct a *de novo* review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R in this case were due on May 24, 2021. To date, no objections have been filed. Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 32), and **DENIES** the pending motions to dismiss, (ECF Nos. 20, 28) **WITHOUT PREJUDICE**. This matter remains referred to Magistrate Judge Tinsley.

**IT IS SO ORDERED.**

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: June 1, 2021

A handwritten signature in blue ink, appearing to read 'Th. Johnston', is written over a horizontal line.

THOMAS E. JOHNSTON, CHIEF JUDGE